



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: September 16, 2021

ACTION: Notice of Intent to Amend Hemp Rules

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 50-13-4 and O.C.G.A. § 2-23-12, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding proposed amendments to its Hemp Rules, GA. R. & Regs. 40-32-1, et seq. (the “Hemp Rules”). The Department will be accepting written comments from September 16, 2021, to close of business (4:30 p.m. ET) on October 18, 2021.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

Synopsis:

The Department is proposing to amend the Hemp Rules to track the USDA Final Rule, to reflect changes to the Georgia Hemp Farming Act made effective by HB 336, and to make the Hemp Rules more reflective of operational realities identified during initial growing seasons. The Department expects the amended Hemp Rules to take effect on January 1, 2022.

Conformance to USDA Final Rule:

The proposed amendments conform the Hemp Rules more closely to the USDA Final Rule, 7 CFR 990, et seq., which became effective on January 19, 2021.

Proposed changes:

- Raise the threshold for a negligent violation for growing hot hemp from .5% to 1% delta-9 THC on a dry weight basis. Rule 40-32-2-.12(2)(a)(2).
- Provide for additional methods of disposal of non-compliant cannabis, as well as provide for the possibility of remediating non-compliant cannabis. Rule 40-32-2-.06; 40-32-2-.05(6).
- Expand the harvest window from 15 days to 30 days. Rule 40-32-2-.03(1); 40-32-2-.05(1)-(2).
- Update sampling and testing guidelines to current USDA guidelines. Rule 40-32-2-.03; 40-32-2-.04; 40-32-2-.05(5); 40-32-2-.04; & 40-32-3-.04.
- Revise and add definitions to conform to USDA Final Rule. 40-32-1-.02(5), (14), (18), (24), (41), (47), (49), (51), (55), & (56).

Conformance to HB 336:

The proposed amendments conform the Hemp Rules to changes to the Georgia Hemp Farming Act enacted by HB 336, which became effective on May 7, 2021.

Proposed changes:

- Clarify cultivation, handling, or processing of hemp in structures used for residential purposes is prohibited. Rules 40-32-2-.01(3)(f); 40-32-2-.05(7); 40-32-3-.01(3)(f); and 40-32-3-.05(1).
- Update the background check process for license and permit applications. Rules 40-32-2-.01(4); 40-32-2-.01(4); & 40-32-3-.01(7).
- Create a procedure for claims on Permittee surety bonds. Rule 40-32-3-.01(3)(b); 40-32-3-.07.
- Reflect change in processor renewal fees. Rule 40-32-3-.01(5).
- Revise definitions to conform to HB 336. Rules 40-32-1-.02(9), (23), (49) & (52).

Other Main Differences:

The proposed amendments make additional changes intended to better the Georgia Hemp Program based on observations during initial growing seasons.

Proposed changes:

- Allow limited performance-based sampling for nursery growers. Rule 40-32-2-.03(1)(a).
- Allow for limited amendments to licenses and permits and streamline and clarify grower and processor application requirements. Rule 40-32-2-.01(3)-(8); 40-32-3-.01(3)-(8).
- Clarify that hemp seed and live hemp plants are governed by the Georgia Seed Law and the Entomology Act and their respective regulations. Rule 40-32-2-.07.
- Require a Planting Report. Rule 40-32-2-.10(1)(c).
- Expand and clarify signage requirements to cover all Grow Sites, which will facilitate smooth grower interactions with law enforcement. Rule 40-32-2-.05(8).
- Remove repetitive transportation requirements already provided for in the Georgia Hemp Farming Act. Rules 40-32-2-.07; 40-32-2-.12(1)(j); 40-32-3-.07.
- Clarify recordkeeping requirements apply to out of state contracts. Rule 40-32-2-.10(1)(b).
- Require lot labelling. Rule 40-32-2-.02(18).
- Clarify total THC standard. Rule 40-32-1-.02(1).
- Add and revise definitions. Rules 40-32-1-.02(3), (11), (13), (30), (37), (40), & (52).

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from September 16, 2021, to close of business (4:30 p.m. ET) on October 18, 2021. Comments will be considered on October 20, 2021. Please submit written comments to:

Jamie Arrington
Hemp Program Administrator
Georgia Department of Agriculture
1109 Experiment Street, Redding Building, Room 213
Griffin, Georgia 30223
Telephone Number: 404-586-1140
E-mail: hemp@agr.georgia.gov

Interested persons may call or submit a written request to obtain a copy of the proposed rule changes. A copy of the synopsis and the proposed rule changes may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.